



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

DECEMBER 4, 2006

Commissioner Joe Ford, Chairman
Commissioner David Lillard, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff Orlando Freeman

INVOCATION Commissioner Malone

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

Ordinances

**AVERY
APPROVED**

1. **ORDINANCE - SECOND READING** – Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend Chapter 14.5 of the Code of Shelby County to retain the same annual emission fee amount for the calendar year 2005.

Zoning and Subdivisions

**RITZ
(REMOVED
TO REGULAR
AGENDA)
ADOPTED
(A)**

2. Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**MALONE
(REMOVED
TO REGULAR
AGENDA
ADOPTED**

3. Resolution approving the contract for banking services with Regions Bank for custody and deposit of county funds for the period of December 1, 2006 through June 30, 2010.

**MALONE
ADOPTED**

4. Resolution amending Resolution No. 5, adopted September 11, 2006, entitled "Resolution providing for bond amounts and form of surety for the Mayor and certain other appointed county officials.

**MALONE
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

5. Resolution to appropriate monies from the FY 2007 Commissioners Contingency Fund as a grant to Agricenter to fund installation of six 24-foot ventilation fans for the Showplace arena.

**MALONE
(DEFERRED
TO 12/18/06)**

6. Resolution establishing funding guidelines in the preparation of the FY 2008 Operating Budget.

**LILLARD
(DEFERRED
TO 12/18/06)**

7. Resolution authorizing Amendments No. 5 and 6 to Contract No. CA992518 with Fisher & Arnold, Inc., for the environmental approval and design of Fite Road from U.S. Highway 51 to Woodstock Boulevard and a bridge over the CNIC Railroad and to designate funds in the amount of \$36,566.00 from Encumbrance No. S007121 for Amendments 5 and 6.

**AVERY
(DEFERRED
TO 12/18/06)**

8. Resolution requesting that the Charter of the MED be amended to add the Chairman of this Commission's Hospitals and Health Committee as an ex-officio non-voting member to the MED's board.

**AVERY
ADOPTED**

9. Resolution amending the FY 2007 Operating Budget and Position Control Budget; approving a \$49,900.00 grant agreement between Shelby County Government and the State Department of Finance and Administration, Bureau of TennCare for the provision of an Infant Mortality Coordinator for the term October 1, 2006 through September 30, 2007, and establishing an Infant Mortality Campaign Coordinator position.

**AVERY
ADOPTED**

10. Resolution to approve a contract between Shelby County Government and Concentra Medical Centers for the provision of pre-employment and post-job offer physicals to Shelby County Government in the amount of \$175,000.00 for the period July 1, 2006 -- June 30, 2007.

**CHISM
ADOPTED**

11. Resolution approving contract with ACS Government Systems, Inc. in the amount of \$47,200.00 for the ongoing Remote Database Administration Services for the Court Management System of Circuit and Chancery Courts.

**CHISM
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

12. Resolution amending the FY 2007 Operating Budget; approving a DUI Treatment Grant Agreement between Shelby County Government and the State of Tennessee, Department of Corrections, for the term July 1, 2006 to June 30, 2007.

**RITZ
(REMOVED
TO REGULAR
AGENDA
ADOPTED**

13. Resolution extending a moratorium on the acceptance of applications and issuance of permits for adult businesses in unincorporated Shelby County for a period of six months.

**FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

14. Resolution approving the policies and procedures describing how the Head Start Governing Body and the Policy Council will implement shared decision-making, and the process of defining roles and responsibilities of the governing body, the composition of the Policy Council inclusive of the process of how policy members are chosen, in accordance to Federal Performance Standards.

**FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

15. Resolution approving renewal of contract and expenditure of funds by Shelby County Government to Piccadilly Cafeteria for the purchase of food services and meals in the amount of \$136,620.00.

**FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

16. Resolution amending the FY 2006/2007 Shelby County Operating Budget to allow full expenditure of proceeds of the Child and Adult Care Food Program grant for the year ended September 30, 2006.

**FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

17. Resolution amending the FY 2006/2007 Shelby County Operating Budget to allow expenditure of proceeds of the Child and Adult Care Food Program grant for the year ended September 30, 2007.

FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

18. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$125,605.00 in grant funds from the Tennessee Department of Agriculture for the Community Services Commodities Program, and to amend the Community Services Agency's Operating Budget for FY 2007.

FLINN
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

19. Resolution to approve the Shelby County Community Services Agency to accept and expend \$176,660.00 in grant funds from the City of Memphis – Work Force Investment Network Program and to amend the Shelby County Operating Budget for FY 2007.

BROOKS
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

20. Resolution approving the Standard Insurance Company as vendor for all employee life and disability insurance coverages and modifying the long term disability benefit plan design.

BROOKS
(DEFERRED
TO 12/18/06)

21. Resolution adopting new rules and regulations and bylaws, including membership requirements for the New Beer Board, and directing the Shelby County Board of Commissioners to proceed with the appointment of new members to the New Beer Board.

GIBSON
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

22. Resolution approving the transfer of title of four parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution No. 24 adopted by the Shelby County Board of County Commissioners on October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.

CHISM
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

BROOKS
ADOPTED

23. Resolution appointing a member of the Shelby County Board of Commissioners to the Governing Board of the Regional Geographic Information System.

BROOKS
ADOPTED

24. Resolution approving the County Mayor's nomination of Willie Gregory for reappointment to the Memphis and Shelby County *Sports Authority*.

BROOKS
ADOPTED

25. Resolution approving the County Mayor's nomination of Cody Childress, Glenn T. Cobb, Thomas H. Lee, Bert L. Poletti, and Steven F. Stachowski for reappointment to the Memphis and Shelby County *Plumbing Code Board*.

**CHISM
ADOPTED**

26. Resolution acknowledging resignation of Henri E. Brooks from the House of Representatives of the Tennessee General Assembly effective November 7, 2006; setting December 18, 2006, as the date for the election to fill the vacant House seat for the unexpired term of Henri E. Brooks as provided by law; waiving the statutory notice requirement by the clerk of the Shelby County Board of Commissioners; authorizing the Chairman of the Shelby County Board of Commissioners to publish notice of election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy.

**BROOKS
ADOPTED**

27. Resolution acknowledging resignation of Stephen I. Cohen from the Senate of the Tennessee General Assembly effective December 1, 2006; setting December 18, 2006, as the date for the election to fill the vacant Senate seat for the unexpired term of Stephen I. Cohen as provided by law; waiving the statutory notice requirement by the clerk of the Shelby County Board of Commissioners; authorizing the Chairman of the Shelby County Board of Commissioners to publish notice of election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy.

Ordinances

Zoning and Subdivisions

**RITZ
ADOPTED**

28. CASE NO. P.D. 06-345 CC (RECONSIDERATION)
APPLICANT: HBT Investments, LLC

LOCATION: North side of Holmes Road; ±2,700 feet west of Hacks Cross Road

REQUEST: Planned development to allow one-hundred seventy (162) single family homes with minimum lot sizes of 10,000 square feet in area within the Outline Plan

Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS

(Notice of public hearing re-published in the Daily News on Thursday, November 9, 2006.)

Reports and/or Resolutions for Standing Committees

CHISM ADOPTED	29.	Resolution adopting a policy for naming buildings, memorials, parks, sites and facilities of Shelby County Government.
HARVEY (DEFERRED TO 01/08/07)	30.	Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Becket.
MULROY ADOPTED	31.	Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting the Tennessee General Assembly give appropriate deliberation to any changes in the Basic Education Plan (<i>BEP</i>) formula recommended by the BEP Review Committee of the State Board of Education consistent with the Governor's budgetary proposals to fully fund the Basic Education Program and provide appropriate funding and funding alternatives to meet the needs of students in urban county school districts.
MULROY (DEFERRED TO 12/18/06)	32.	Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting the Tennessee General Assembly enact legislation bringing Shelby County Government elected officials and covered employees within the reporting and enforcement regime set forth in the "Comprehensive Governmental <i>Ethics</i> Reform Act of 2006."
MULROY ADOPTED	33.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 39, Chapter 13, Section 511, relative to <i>Indecent Exposure</i> ."
MULROY ADOPTED	34.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 2, Chapter 5, Section 216, relative to <i>Elections</i> ."
MULROY ADOPTED	35.	Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the State Election Commission of the State of Tennessee to take all necessary steps to expedite certification of a voter-verified <i>paper audit trail system</i> for use in elections.
MULROY ADOPTED	36.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 16, Chapter 15, Section 5006, to allow for increases in the Local Litigation Tax to cover the base salary of General Sessions Judges if during any fiscal year the amount of revenue generated by the Local Litigation Tax does not sufficiently fund the base salary, any supplements, and any annual adjustments or increase in the General Sessions <i>Judges' compensation</i> ."

MULROY
ADOPTED

37. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the Shelby County Legislative Delegation and the members of the Tennessee General Assembly to allow counties which authorize a *Tax Relief Program for the Elderly* to establish their own income guidelines within the state-approved income limit.

Announcements/Statements

38. Notifications from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
 - a. Resolution approving the county mayor's nomination of Henry Hooper and Osie Ward for reappointment and Dr. Fred C. Lofton for appointment to the Shelby County *Retirement Board*.

Adjournment

CHISM
ADOPTED

39. Resolution of Adjournment to Monday, December 18, 2006, at 8:30 a.m.

AGENDA #: 2
DATE December 4, 2006

2A

SUBDIVISION: **SPRINGTON SUBDIVISION**

DEVELOPER: **TAPP ENTERPRISES, INC.**

ACTION: **RESOLUTION TO RELEASE THE BOND THAT SECURED THE
IMPROVEMENTS TO SPRINGTON SUBDIVISION (S 98-034 CO)**

LOCATION: **500 FEET WEST OF WILLOWBROOK STREET**

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]